

WILMERHALE

April 21, 2025

David Gringer

The Honorable Wendy Beetlestone
United States District Court for the Eastern District of
Pennsylvania
James A. Byrne United States Courthouse
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Re: *Davis v. Hanna Holdings, Inc.*, No. 2:24-cv-2374-WB (E.D. Pa.)

Dear Judge Beetlestone:

Hanna Holdings anticipates filing a motion for permission to seek interlocutory appeal under 28 U.S.C. § 1292(b) as to the Court's conclusion that the named Plaintiffs have Article III standing to bring claims under the laws of states where they do not reside and do not allege they have suffered an injury. *See* Dkt. 84 at 16-20. As the Court acknowledged, "the Third Circuit has not explicitly addressed" this question and "courts within this District have reached opposing conclusions." *Id.* at 16-17. If the Third Circuit found that Plaintiffs lacked standing for these claims, this case would be narrowed substantially, eliminating claims under 13 of the 34 states whose laws Plaintiffs invoke.

While Section 1292(b) "does not impose a strict deadline for filing a motion for certification," a "'petition must be filed ... within a reasonable time after the order sought to be appealed'" is issued. *See Liberty Salad, Inc. v. Groundhog Enterprises, Inc.*, 2019 WL 1303829, at *3 (E.D. Pa. Mar. 20, 2019). However, it may be premature to file a Section 1292(b) motion now given that motions to dismiss that provide an alternative basis for dismissing these same claims remain pending. *See* Dkts. 58-59. We therefore request the Court's guidance on whether Hanna Holdings should file this motion now or wait until after the Court has resolved the remaining motions to dismiss.

Respectfully,

/s/ David Z. Gringer
David Z. Gringer
Counsel for Hanna Holdings, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 21, 2025, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to the attorneys of record registered with the CM/ECF system.

/s/ David Z. Gringer
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